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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To establish the use of ranked choice voting in elections for the offices
of Senator and Representative in Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RASKIN introduced the following bill; which was referred to the Committee
on _____

A BILL

To establish the use of ranked choice voting in elections
for the offices of Senator and Representative in Con-
gress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDING OF CONSTITUTIONAL**
4 **AUTHORITY.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Ranked Choice Voting Act”.

7 (c) **FINDING OF CONSTITUTIONAL AUTHORITY.**—
8 Congress finds that it has the authority to establish the

1 terms and conditions States must follow in administering
2 elections for the offices of Senator and Representative in
3 Congress because the authority granted to Congress under
4 article I, section 4 of the Constitution of the United States
5 gives Congress the power to enact laws governing the time,
6 place, and manner of elections for such offices.

7 **SEC. 2. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
8 **TION OF SENATORS AND REPRESENTATIVES.**

9 (a) IN GENERAL.—Title III of the Help America
10 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
11 by adding at the end the following new subtitle:

12 **“Subtitle C—Ranked Choice Voting**
13 **“PART 1—REQUIRING RANKED CHOICE VOTING**
14 **FOR ELECTION OF SENATORS AND REP-**
15 **RESENTATIVES**

16 **“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
17 **TION OF SENATORS AND REPRESENTATIVES.**

18 “(a) RANKED CHOICE VOTING.—Each State shall
19 carry out elections for the office of Senator and the office
20 of Representative in Congress, including primary, special,
21 and general elections for such office, using a system of
22 ranked choice voting (also known as instant runoff voting)
23 under which each voter shall rank the candidates for the
24 office in the order of the voter’s preference, in accordance
25 with this title.

1 “(b) BALLOT DESIGN.—Each State shall ensure that
2 the ballot used in an election carried out using a system
3 of ranked choice voting under this title meets each of the
4 following requirements:

5 “(1) The ballot shall be simple and easy to un-
6 derstand.

7 “(2) The ballot shall include all qualified can-
8 didates for the election and (to the extent permitted
9 under State law) options for voters to select write-
10 in candidates. If feasible, the ballot shall permit vot-
11 ers to rank every candidate in the election. If it is
12 not feasible for the ballot to permit voters to rank
13 every candidate, the State may limit the number of
14 candidates who may be ranked on the ballot to not
15 fewer than 6.

16 “(3) The ballot shall include such instructions
17 as the State considers necessary to enable the voter
18 to rank candidates and successfully cast the ballot
19 under the system.

20 **“SEC. 322. PROHIBITING ADDITIONAL RUNOFF ELECTIONS.**

21 “(a) PRIMARY ELECTIONS.—No State may hold a
22 runoff primary election for the office of Senator or the
23 office of Representative in Congress after the date estab-
24 lished under State law for the primary election for such
25 office.

1 “(b) GENERAL ELECTIONS.—No State may hold a
2 runoff general election for the office of Senator or the of-
3 fice of Representative in Congress after the date estab-
4 lished under section 25 of the Revised Statutes of the
5 United States (2 U.S.C. 7) for the regularly scheduled
6 general election for such office.

7 “(c) SPECIAL ELECTIONS.—No State may hold a
8 runoff special election for the office of Senator or the of-
9 fice of Representative in Congress after the date estab-
10 lished by the State under State law for such special elec-
11 tion for such office.

12 **“SEC. 323. TREATMENT OF PRIMARY ELECTIONS.**

13 “(a) CONDITIONS FOR HOLDING NONPARTISAN
14 BLANKET PRIMARY ELECTIONS.—A State may hold a
15 nonpartisan blanket primary election for the office of Sen-
16 ator or the office of Representative in Congress only if
17 State law provides that at least 3 candidates advance to
18 the subsequent general election, or, if write-in candidates
19 are allowed in the general election, at least 2 candidates
20 advance.

21 “(b) RULE OF CONSTRUCTION.—Nothing in this title
22 shall be construed to require a State to hold a primary
23 election for the office of Senator or the office of Represent-
24 ative in Congress prior to the date established under sec-
25 tion 25 of the Revised Statutes of the United States (2

1 U.S.C. 7) for the regularly scheduled general election for
2 such office, so long as the determination of the candidates
3 who are elected to such office is based solely on the votes
4 cast with respect to the election held on such date, as de-
5 termined in accordance with the system of ranked choice
6 voting under this title.

7 **“SEC. 324. APPLICATION TO DISTRICT OF COLUMBIA AND**
8 **TERRITORIES.**

9 “(a) ELECTION OF DELEGATES AND RESIDENT COM-
10 MISSIONER.—In this subtitle, the term ‘Representative’ in-
11 cludes a Delegate or Resident Commissioner to the Con-
12 gress.

13 “(b) APPLICATION TO NORTHERN MARIANA IS-
14 LANDS.—This subtitle shall apply with respect to the
15 Commonwealth of the Northern Mariana Islands in the
16 same manner as this subtitle applies to a State.

17 **“PART 2—TABULATION PROCESS**

18 **“SEC. 331. TABULATION PROCESS.**

19 “(a) IN GENERAL.—

20 “(1) DETERMINATION OF CANDIDATE’S NUM-
21 BER OF VOTES.—The number of votes received by a
22 candidate in either the initial tabulation or in an ad-
23 ditional round of tabulation shall be equal to the
24 number of ballots on which that candidate is the
25 highest ranked continuing candidate.

1 “(2) CRITERIA FOR ELECTION.—Except as pro-
2 vided in section 332, a candidate shall be elected to
3 the office of Senator or the office of Representative
4 in Congress (or, in the case of a primary election,
5 shall advance to the general election for such office
6 as provided under the law of the State involved) if—

7 “(A) the candidate receives a number of
8 votes greater than 50% of the number of ballots
9 cast in the election; or

10 “(B) if the election official carries out ad-
11 ditional rounds of tabulation under subsection
12 (b), the candidate receives the greatest number
13 of votes of the remaining continuing candidates
14 (as described in such subsection).

15 “(b) PROCESS IN CASE NO CANDIDATE ELECTED
16 UNDER INITIAL TABULATION.—

17 “(1) ADDITIONAL ROUNDS OF TABULATION.—
18 If, under the initial tabulation of ballots, no can-
19 didate is elected to office (or, in the case of a pri-
20 mary election, no candidate advances to the general
21 election for such office) under the criteria described
22 in subsection (a)(2)(A), the election official shall
23 carry out additional rounds of tabulation in accord-
24 ance with paragraph (2) until only 2 continuing can-
25 didates remain.

1 “(2) TREATMENT OF BALLOTS IN ADDITIONAL
2 ROUNDS.—In each additional round of tabulation
3 carried out under this subsection—

4 “(A) the candidate receiving the fewest
5 number of votes among all candidates (or, in
6 the case of a State which applies batch elimi-
7 nation under section 334, each candidate in the
8 batch elimination group) shall be treated as a
9 defeated candidate;

10 “(B) for each ballot cast for a defeated
11 candidate, the election official shall determine
12 the highest-ranked candidate on the ballot who
13 is a continuing candidate; and

14 “(C) the vote cast on the ballot shall be
15 transferred to, and added to the total number
16 of votes received by, the highest-ranked con-
17 tinuing candidate determined under subpara-
18 graph (B).

19 **“SEC. 332. SPECIAL RULES FOR NONPARTISAN BLANKET**
20 **PRIMARY ELECTIONS.**

21 “(a) DETERMINATION OF WINNING CANDIDATES.—
22 In the case of a nonpartisan blanket primary election, a
23 candidate for the office of Senator or the office of Rep-
24 resentative in Congress shall be treated as a winning can-
25 didate and shall advance to the general election for such

1 office if, during any round of tabulation carried out under
2 this section, the candidate is a continuing candidate and
3 the total number of winning and continuing candidates is
4 equal to or less than the required number of winning can-
5 didates with respect to the election, as provided under the
6 law of the State involved.

7 “(b) TABULATION PROCESS.—

8 “(1) ADDITIONAL ROUNDS OF TABULATION.—

9 After the initial tabulation of ballots in a non-
10 partisan blanket primary election, the election offi-
11 cial shall carry out additional rounds of tabulation
12 in accordance with paragraph (2) until the number
13 of winning candidates is equal to the required num-
14 ber of winning candidates with respect to the elec-
15 tion, as provided under the law of the State involved.

16 “(2) TREATMENT OF BALLOTS IN ADDITIONAL
17 ROUNDS.—In each additional round of tabulation
18 carried out under this subsection—

19 “(A) the candidate receiving the fewest
20 number of votes among all candidates (or, in
21 the case of a State which applies batch elimi-
22 nation under section 334, each candidate in the
23 batch elimination group) shall be treated as a
24 defeated candidate;

1 “(B) for each ballot cast for a defeated
2 candidate, the election official shall determine
3 the highest-ranked candidate on the ballot who
4 is a continuing candidate; and

5 “(C) the vote cast on the ballot shall be
6 transferred to, and added to the total number
7 of votes received by, the highest-ranked con-
8 tinuing candidate determined under subpara-
9 graph (B).

10 **“SEC. 333. EXCLUSION OF INACTIVE BALLOTS.**

11 “In any round of tabulation of ballots under this
12 part, including the initial tabulation of ballots, a vote shall
13 not be counted for any candidate if it is cast on an inactive
14 ballot.

15 **“SEC. 334. USE OF BATCH ELIMINATION.**

16 “(a) BATCH ELIMINATION DESCRIBED.—At the op-
17 tion of the State, with respect to any candidate elimination
18 round carried out under this subsection, a State may use
19 batch elimination to treat multiple candidates as defeated
20 candidates for purposes of the additional rounds of tabula-
21 tion described in section 331(b)(2) or section 332(b)(2).
22 A continuing candidate is in the elimination batch if it
23 is mathematically impossible for that candidate to be a
24 winning candidate in the election for any of the following
25 reasons:

1 “(1) The candidate’s vote total in the initial
2 tabulation of ballots plus all of the votes that could
3 possibly be transferred to the candidate in the addi-
4 tional rounds of tabulation would not be enough to
5 equal or surpass the continuing candidate with the
6 next highest vote total in the initial tabulation of
7 ballots.

8 “(2) The candidate has a lower current vote
9 total than a continuing candidate described in para-
10 graph (1).

11 “(b) SPECIAL RULE FOR NONPARTISAN BLANKET
12 PRIMARY ELECTIONS.—In the case of a nonpartisan blan-
13 ket primary election for which tabulation is carried out
14 in accordance with section 332, a candidate may not be
15 in the elimination batch if the candidate’s vote total is one
16 of the top _____ vote totals among all continuing can-
17 didates, with the blank space filled in with the required
18 number of winning candidates with respect to the election,
19 as provided under the law of the State involved.

20 **“SEC. 335. TREATMENT OF TIES BETWEEN CANDIDATES.**

21 “If a tie occurs between candidates with the greatest
22 number of votes or the fewest number of votes at any point
23 in the tabulation of ballots under this part and the tabula-
24 tion cannot proceed until the tie is resolved, the tie shall
25 be resolved in accordance with State law.

1 **“SEC. 336. DETERMINATION OF VOTES CAST FOR CAN-**
2 **DIDATES OF POLITICAL PARTIES FOR PUR-**
3 **POSES OF ACCESS TO BALLOT IN FEDERAL**
4 **ELECTIONS.**

5 “To the extent that a State takes into account the
6 number of votes cast in an election for candidates of a
7 political party in determining the right of candidates of
8 the party to appear on the ballot in subsequent elections
9 for Federal office in the State, the State shall determine
10 the number of votes cast for a candidate solely on the basis
11 of the initial tabulation of ballots in the election, and shall
12 not take into account any additional round of tabulation
13 under section 331(b) or section 332(b).

14 **“PART 3—PAYMENTS TO STATES TO IMPLEMENT**
15 **RANKED CHOICE VOTING**

16 **“SEC. 341. PAYMENTS TO STATES TO IMPLEMENT RANKED**
17 **CHOICE VOTING.**

18 “(a) PAYMENTS.—Not later than June 1, 2021, the
19 Commission shall make a payment to the State in an
20 amount equal to—

21 “(1) in the case of the District of Columbia, the
22 Commonwealth of Puerto Rico, American Samoa,
23 Guam, the United States Virgin Islands, and the
24 Commonwealth of the Northern Mariana Islands,
25 \$1,000,000; or

1 “(2) in the case of any other State, the sum of
2 \$750,000 and the product of—

3 “(A) the number of Representatives to
4 which the State is entitled under the reapportionment of Representatives resulting from the
5 regular decennial census conducted during
6 2020; and
7

8 “(B) \$250,000.

9 “(b) USE OF FUNDS.—A State shall use the payment
10 made under subsection (a) to implement ranked choice
11 voting under this subtitle, including educating voters
12 about ranked choice voting, and to otherwise carry out
13 elections for Federal office in the State.

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated such sums as may be
16 necessary for payments under this section.

17 **“PART 4—DEFINITIONS**

18 **“SEC. 351. DEFINITIONS.**

19 “In this subtitle, the following definitions apply:

20 “(1) The term ‘continuing candidate’ means,
21 with respect to an additional round of tabulation
22 conducted under section 331(b) or section 332(b), a
23 candidate who is neither a winning candidate nor a
24 candidate who is treated as a defeated candidate

1 under such section during the tabulation of ballots
2 under such section.

3 “(2) The term ‘inactive ballot’ means, with re-
4 spect to a round of tabulation under section 331 or
5 section 332—

6 “(A) a ballot on which the voter does not
7 rank any of the continuing candidates in order
8 of preference;

9 “(B) a ballot on which the voter ranked
10 more than one continuing candidate at the
11 highest order of preference; or

12 “(C) a ballot on which the voter skips 2 or
13 more consecutive numerical rankings prior to
14 the ranking for the continuing candidate at the
15 highest order of preference.

16 “(3) The term ‘nonpartisan blanket primary
17 election’ means a single, open primary election for
18 the office of Senator or the office of Representative
19 in Congress in which all candidates for the office are
20 listed on the same primary election ballot, regardless
21 of political party affiliation.

22 “(4) The term ‘winning candidate’ means a
23 candidate who was elected to office (or, in the case
24 of a primary election, who advanced to the general
25 election for such office as provided under the law of

1 the State involved) under the tabulation process ap-
2 plicable to the election under part 2 at any time dur-
3 ing the tabulation of ballots.”.

4 (b) CONFORMING AMENDMENT RELATING TO APPLI-
5 CABILITY OF ENFORCEMENT PROVISIONS.—Section 401
6 of such Act (52 U.S.C. 21111) is amended by striking
7 “sections 301, 302, and 303” and inserting “title III”.

8 (c) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended by adding at the end of the item
10 relating to title III the following:

“Subtitle C—Ranked Choice Voting

“PART 1—REQUIRING RANKED CHOICE VOTING FOR ELECTION OF
SENATORS AND REPRESENTATIVES

“Sec. 321. Requiring ranked choice voting for election of Senators and Rep-
resentatives.

“Sec. 322. Prohibiting additional runoff elections.

“Sec. 323. Treatment of primary elections.

“Sec. 324. Application to District of Columbia and Territories.

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation process.

“Sec. 332. Special rules for nonpartisan blanket primary elections.

“Sec. 333. Exclusion of inactive ballots.

“Sec. 334. Use of batch elimination.

“Sec. 335. Treatment of ties between candidates.

“Sec. 336. Determination of votes cast for candidates of political parties for
purposes of access to ballot in Federal elections.

“PART 3—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

“Sec. 341. Payments to States to implement ranked choice voting.

“PART 4—DEFINITIONS

“Sec. 351. Definitions.”.

1 **SEC. 3. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL**
2 **OFFICE.**

3 Nothing in this Act or in any amendment made by
4 this Act may be construed to affect the manner in which
5 a State carries out elections for State or local office.

6 **SEC. 4. SEVERABILITY.**

7 If any provision of this Act or any amendment made
8 by this Act, or the application of a provision of this Act
9 or an amendment made by this Act to any person or cir-
10 cumstance, is held to be unconstitutional, the remainder
11 of this Act, and the application of the provisions to any
12 person or circumstance, shall not be affected by the hold-
13 ing.

14 **SEC. 5. EFFECTIVE DATE.**

15 This Act and the amendments made by this Act shall
16 apply with respect to elections for Federal office held on
17 or after January 1, 2022.